

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
UNITED STATES OF AMERICA,

-against-

HENRY RICHARDS,

Defendant.  
-----X

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 1/28/2020

**ORDER**

17 Cr 431

The Court is in receipt of the attached Petition for Remission/Mitigation Form submitted by the Defendant, pro se.

CJA Counsel for the Defendant, Patrick Joyce, is directed to confer with Mr. Richards and direct the Petition to the appropriate government agency.

Dated: New York, New York  
January 28, 2020

RMB

\_\_\_\_\_  
RICHARD M. BERMAN, U.S.D.J.



## PETITION FOR REMISSION/MITIGATION FORM

**Note:** There is no legal form or format required for filing a petition; this document is provided for your convenience. Please visit <https://www.forfeiture.gov/FilingPetition.htm> for more specific guidance on filing your petition with the appropriate seizing agency.

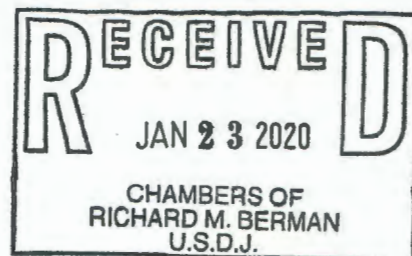
**Frivolous Petition Statement:** A petition containing false information may subject the petitioner to criminal prosecution under Title 18 United States Code Section 1001 and Title 18 United States Code Section 1621.

**Privacy Act Notice:** The Department of Justice is collecting this information for the purpose of processing your petition for remission and/or mitigation. Providing this information is voluntary; however, the information is necessary to process your application. Information collected is covered by Privacy Act System of Records Notice Department of Justice (DOJ), DOJ-002-DOJ Computer Systems Activity & Access Records, Federal Register (71 FR 29170). This information may be disclosed to contractors when necessary to accomplish an agency function, to law enforcement when there is a violation or potential violation of law, or in accordance with other published routine uses. For a complete list of routine uses, see the system of records notice listed above.

**SECTION I – CONTACT INFORMATION**

PETITIONER INFORMATION	
Petitioner/Contact Name: (Last, First) <b>Richards, Henry</b> Doc. NO <b>0208 1:17 cr 431-02 (RMB)</b>	
Business/Institution Name: (if applicable)	Prisoner ID: (if applicable) <b>76027-054</b>
Address: (Include Street, City, State, and Zip Code) <b>66 Crotton AV Cortlandt Manor, NY 10567</b>	
Social Security Number/Tax Identification Number: (E)	
Please provide an explanation why you do not have a Social Security Number, if above is N/A:	
Phone: (optional) <b>516-426-3255</b>	Email: (optional) <b>HVRShift@aol.com</b>
ATTORNEY INFORMATION (if applicable)	
Attorney Name: (Last, First) <b>Joyce, Patrick</b>	
Attorney Title: <b>NA</b>	
Firm Name: (if applicable) <b>Patrick Joyce Esq.</b>	
Attorney Address: (Include Street, City, State, and Zip Code) <b>70 Lafayette Street - 2nd Floor New York New York 10013</b>	
Are you an attorney filing this petition on behalf of your client? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
Attorney Phone: (optional) <b>212 285-2299</b>	Attorney Email: (optional) <b>PJoyce3@juno.com</b>

If any of this information changes, you are responsible for notifying the agency of the new information.





**SECTION II – ASSET LIST**

You must identify your role for each asset in your petition. Please review the role definitions below.

<b>ROLE INFORMATION</b> (multiple roles may apply to each asset)	
<b>Owner</b>	The person in whom primary title is vested or whose interest is manifested by the actual and beneficial use of the property, even though the title is vested in another. A victim of an offense, as defined in this section, may also be an owner if he or she has a present legally cognizable ownership interest in the property forfeited. A nominal owner of property will not be treated as its true owner if he or she is not its beneficial owner.
<b>Victim</b>	A person who has incurred a pecuniary loss as a direct result of the commission of the offense underlying a forfeiture. A drug user is not considered a victim of a drug trafficking offense under this definition. A victim does not include one who acquires a right to sue the perpetrator of the criminal offense for any loss by assignment, subrogation, inheritance, or otherwise from the actual victim, unless that person has acquired an actual ownership interest in the forfeited property; provided however, that if a victim has received compensation from insurance or any other source with respect to a pecuniary loss, remission may be granted to the third party who provided the compensation, up to the amount of the victim's pecuniary loss.
<b>Lienholder</b>	A creditor whose claim or debt is secured by a specific right to obtain satisfaction against the particular property subject to forfeiture. A lien creditor qualifies as a lienholder if the lien: (1) Was established by operation of law or contract; (2) Was created as a result of an exchange of money, goods, or services; and (3) Is perfected against the specific property forfeited for which remission or mitigation is sought (e.g., a real estate mortgage; a mechanic's lien).

Identify the asset ID and asset description for each asset you are petitioning and indicate your role as a petitioner for each asset. You may select one or more roles.

#	Asset ID	Asset Description	Owner	Victim	Lienholder
1	5164263255	IPhone	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1	9475281510	IPhone	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



**SECTION IV – INTEREST IN PROPERTY**

Provide additional information for the assets where you have identified yourself as the owner and/or lienholder. If you are petitioning for multiple assets and the responses are not the same for each asset, please print out multiple copies of this page to submit with the petition and indicate which assets apply to each page. If you have documentation that supports your interest in the petitioned assets (bill of sale, retail installment agreements, contracts, titles or mortgages) please include copies of the documents with the submission of the petition.

INTEREST IN PROPERTY INFORMATION	
Asset ID	Asset Description
5164263255	iPhone
9175281510	iPhone

In the space below, please explain why you have a valid, good faith, and legally recognizable interest in the asset(s) as an owner or lienholder:

My iPhone stopped functioning. I had to purchase another iPhone. I then took or had my non functioning iPhone to repair shop. Which was fixed. AT&T suggested I could open another rather add another phone to my account for an additional \$20. I did so.

Select the reason why you are petitioning for remission and/or mitigation of the asset(s)?

- ☐ I am an innocent owner and I did not know of the conduct giving rise to the forfeiture OR I am an innocent owner and upon learning of the conduct giving rise to the forfeiture, I did all that reasonably could be expected under the circumstance to terminate such use of the property.
- ☐ I was a bona fide purchaser or seller of the forfeited property for value, AND I did not know and was without cause to believe that the property was subject to forfeiture at the time I acquired my interest in the property.
- ☒ None of the above. I am only seeking mitigation.

In the space below, please explain the reason for filing a petition.

I never purchase Cloud(app) so all the pictures I have on the phone are the only on the phones. These pictures include one and only moments in those times of my life, dating back 10 years. Picture of my mother in hospis last days of her life →

In the event that the ruling official determines that I do not qualify for remission of the property, I hereby request mitigation of the forfeiture to avoid extreme hardship.

☒ YES ☐ NO

In support of my request, I would like the ruling official to consider the following extenuating circumstances:

The last days of my mother's life she liked taking pictures so that I could show her to the family. The pictures of my son are priceless. The kind that one slide show can take any family member to joyful time. Most of these pictures are of my son growing up. 80% from time of his birth

In the space below, please list any documents you are including in support of your interest in the asset(s). If none are included, please explain why:

I am sorry to say I have no documentation, as all of it requires my direct contact with service provider. I am at Prison Camp Cannon P.A. I don't have the capacity of communication.

**SECTION VII – DECLARATION AND REPRESENTATION**

*The following declaration should be completed by the petitioner. If the petitioner is represented by an attorney, the attorney may complete the declaration as long as the petitioner completes the sworn notice of representation.*

I attest and declare under penalty of perjury that my petition is not frivolous and the information provided in support of my petition is true and correct to the best of my knowledge and belief.

USA v. Henry Richards  
17-CR-431 ~~AMB~~ RMB



Signature

Henry Richards

Printed Name

1-18-20

Date

**Sworn Notice of Representation**

*This section must be completed only by petitioners who are represented by an attorney and whose attorney has executed the declaration provided above.*

I have retained the above-named attorney who has authority to represent me in this matter. I have fully reviewed the foregoing petition and found that its contents are truthful and accurate in every respect. I declare under penalty of perjury that the foregoing information is true and correct.

Signature

Printed Name

Date

A petition containing false information may subject the petitioner to criminal prosecution under Title 18 United States Code Section 1001 and Title 18 United States Code Section 1621.



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Honorable Judge Berman  
United State Courthouse  
500 Pearl Street, Courtroom 17B  
New York N.Y. 10007

USM<sub>P3</sub>  
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